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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,607	10/12/2001	Michael B. Elliott	33836000013	3270

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ACCENTURE

C/O VEDDER PRICE KAUFMAN & KAMMHOLZ, P.C.

222 NORTH LASALLE STREET

CHICAGO, IL 60601

EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/976,607	<b>Applicant(s)</b> ELLIOTT ET AL.	
	<b>Examiner</b> Stefano Karmis	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 17 August 2006.

### *Status of Claims*

2. Claims 1-4, 7 and 15-18 are previously presented. Claims 5, 6, 8-14 and 19-21 are cancelled. Therefore, claims 1-4, 7 and 15-18 are currently pending.

### *Claim Rejections - 35 USC § 101*

3. Claims 1-4 and 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 1-4 and 7, the Examiner finds these claims to lack a tangible result. The final step of independent claim 1 states, "assigning a debt collection strategy to said debtor based upon the at least one additional segment into which said debtor was classified." This does not produce a tangible result because "assigning a debt collection strategy..." does not output, send or store anything that would create a "real world" result. Instead "assigning" could be performed in the abstract, such as assigning in a thought, which would not be "real world." Dependent claims 2-4 and 7 fail to add a tangible result to claim 1 and therefore stand rejected for similar reasons to claim 1.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kosiba et al. (hereinafter Kosiba) U.S. Patent 6,098,052.

Regarding independent claim 1, Kosiba discloses a method of improving debt collection from a plurality of debtors comprising:

Classifying a debtor into at least one of a plurality of attitudinal segments, each of said attitudinal segments corresponding to a group of debtors having similar responses to different debt collection strategies (column 4, lines 40-46, column 5, lines 9-15 and column 6, lines 40-53: Examiner notes that attitudinal segmentation is performed by the strategy response categories (SRC) wherein consumers likely to respond to collection in a similar manner are grouped together and further divided by behavior scores), and each of said attitudinal segments suggesting a debt collection strategy to employ with respect to said debtor (column 9, lines 40-59); and

Assigning a debt collection strategy to said debtor based upon the at least one attitudinal segment into which said debtor was classified (column 18, lines 41-46).

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Claim 2, determining the plurality of attitudinal segments based on identifying attitudes of at least some debtors to a previous debt collection (column 4, lines 40-46 and column 10, lines 43-51).

Claim 3, wherein classifying the debtor further comprises classifying the debtor on current characteristics of the debtor (column 2, lines 49-51 and column 20, lines 11-15 and Figure 4).

Claim 4, modeling a likelihood of debt payment by the debtor based upon the at least one attitudinal segment (column 9, lines 45-60); and assigning the debt collection task to the debt collection strategy based upon the at least one attitudinal segment into which said debtor was classified and the likelihood of payment (column 18, lines 41-46).

Claims 5 and 6 are cancelled.

Claims 8-14 are cancelled.

Independent claim 15 is substantially similar to independent claim 1 and is therefore is rejected under the same reasoning as discussed above for claim 1.

Claim 16 is substantially similar to claim 2 and is therefore is rejected under the same reasoning as discussed above for claim 2.

Claim 17 is substantially similar to claim 3 and is therefore is rejected under the same reasoning as discussed above for claim 3.

Claim 18 is substantially similar to claim 4 and is therefore is rejected under the same reasoning as discussed above for claim 4

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kosiba et al. (hereinafter Kosiba) U.S. Patent 6,098,052 in view of White et al. (hereinafter White) U.S.

Publication No. 2002/0198796 A1.

Claim 7, Kosiba teaches that consumer experiences include being characterized by whether the account has been outsourced to a collection agency (column 10, line 66 thru column 11, line 6). Kosiba teaches assigning collection strategies (column 18, lines 41-46). Kosiba fails to teach specifically that the debt collection strategy includes contacting a debtor through a collection agency. White teaches a method of increasing debt collection by segmenting debt into small groups having similar characteristics (page 2, paragraph 0022). White further teaches that papers for each segment are given to a collection agent to communicate with the debtor (page 2, paragraph 0023).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the debt collection strategy teachings of Kosiba and include contacting a debtor through a collection agent as taught by White because collection agents specialize in debt collection and thus increase the likelihood of a successful collection strategy.

#### ***Response to Arguments***

9. Applicant's arguments, filed 17 August 2006 with respect to claims 1-4, 7 and 15-18 have been considered but are moot in view of the new ground(s) of rejection. Therefore claims 1-4, 7 and 15-18 stand rejected and Applicant's request for allowance is respectfully declined.

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*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted

Stefanos Karmis

21 December 2006

